

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 13355 OF 2017

Shweta d/o. Dattaram Mirzapure .. Petitioner

Verus

The State of Maharashtra & Anr. .. Respondents

Mr.P.V. Jadhavar, Advocate for the petitioner.
Mr.C.S. Kulkarni, AGP for respondent/State.

**CORAM : S.V.GANGAPURWALA &
S.M.GAVHANE, JJ.**

DATED : 15.11.2017

P.C. :-

1. Heard. Issue notice to respondents. The learned Addl. G.P. waives notice for respondents.

2. The issue involved in the present matter is no longer *res-integra* in view of the judgment of Division Bench of this Court in Writ Petition No.4536 of 2014 and other connected matters dated 14th August, 2014.

3. In view of the above, we also adopt the same course.

4. For the reasons recorded above, view taken by the Scrutiny Committee deserves to be upheld. However, in the facts and circumstances, we proceed to issue certain directions in addition to the directions issued by the Scrutiny Committee, as follows:-

a) The petitioner may approach the concerned Scrutiny Committees for issuance of Photostat copy of the caste/tribe certificate produced by them for verification, within a period of four months from today. The Scrutiny Committee, on receipt of such application, issue attested/authenticated copy of the caste/tribe certificate produced by petitioner for verification to the Committee.

b) The petitioner, on receipt of Photostat copy of the caste/tribe certificate, shall approach the concerned Sub Divisional Officer/competent authority with an application for issuance of caste/tribe certificate within a period of six weeks, thereafter.

c) In the event earlier caste certificates had been issued by the Executive Magistrate, it would be open for the petitioner to tender an application to the Sub Divisional Officer of the concerned Division and such officer shall entertain the application and shall issue caste certificate/s in the prescribed proforma on verifying attested/authenticated Photostat copy of the earlier caste certificate.

d) The concerned Sub Divisional Officer/Competent Authority, on receipt of the application by petitioner, together with attested/authenticated Photostat copy of the caste/tribe certificate issued earlier, shall proceed to issue caste/tribe certificate in prescribed proforma certifying that petitioner belong to "Koli Mahadev", Scheduled Tribe. The Sub Divisional Officers/Competent Authority shall issue certificates within a period of four weeks from the date of receipt of the applications.

e) On receipt of Tribe certificates, petitioner, shall approach the concerned Scrutiny Committees with a proposal in prescribed proforma requesting the Scrutiny Committees to verify the Tribe Certificate and consider his application for

issuance of validity certificates. The petitioner shall approach the Scrutiny Committee within a period of eight weeks from the date of receipt of the caste certificate from the competent authority.

f) On receipt of the proposal from petitioner, the Scrutiny committee shall proceed to verify the caste/tribe certificate and take appropriate decision after following procedure prescribed under law in respect of issuance of validity certificates, as expeditiously as possible, preferably within a period of one year from the date of receipt of the proposal/application.

g) The Scrutiny Committee shall accept the proposal directly and shall not refuse to accept the proposal on the ground that same have not been routed through proper channel, either employer or educational institutions.

h) The education institution/college or the employer shall not take any adverse action against the petitioner only on the ground of his failure to produce validity certificate and further appropriate action can be taken only subject to result of verification claim, which would be

lodged before the Scrutiny Committee, in accordance with the directions issued in this judgment.

5. The writ petition stands disposed of accordingly.
No costs.

[S.M.GAVHANE, J.]

[S.V.GANGAPURWALA, J.]